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FILED

08 AUG 22 AM 11:16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No. S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

'08 MJ 2586

DEPUTY

v.

COMPLAINT FOR VIOLATION OF:

Luis HERNANDEZ-Sanches,

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **August 17, 2008** within the Southern District of California, defendant, **Luis HERNANDEZ-Sanches**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF AUGUST, 2008


 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

 DOA
 8/17/08
 9/7/08

RFM
8/22/08**CONTINUATION OF COMPLAINT:
Luis HERNANDEZ-Sanches****PROBABLE CAUSE STATEMENT**

On August 17, 2008, Border Patrol Agent A. Letavay was performing assigned line watch duties in the Imperial Beach Area of responsibility. At approximately 8:20 P.M. Agent Letavay responded to the activation of Northwest of the San Ysidro, California Port of Entry. Upon responding to the area Agent Letavay discovered footprints and followed them until he found two individuals hiding. Agent Letavay identified myself as a United States Border Patrol Agent and conducted an immigration inspection. Both individuals, including one later identified as the defendant **Luis HERNANDEZ-Sanches**, admitted to being citizens and nationals of Mexico not in possession of any immigration documentation allowing them to enter or remain in the United States legally. Both individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 1, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.